

1 WRIGHT, FINLAY & ZAK, LLP
Edgar C. Smith, Esq.
2 Nevada Bar No. 5506
Rock K. Jung, Esq.
3 Nevada Bar No. 10906
7785 W. Sahara Avenue, Suite 200
4 Las Vegas, Nevada 89117
(702) 475-7964; Fax: (702) 946-1345
5 rjung@wrightlegal.net

6 *Attorneys for Plaintiff, U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation Trust*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 U.S. BANK TRUST, N.A. AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST,

10 Plaintiff,

11 vs.

12 SKI WAY TRUST; MOUNTAIN SHADOWS
OF INCLINE; DOE Individual I-X inclusive;
13 and ROE business entities XI-XX inclusive,

14 Defendants.

Case No.: 2:16-cv-00066-MMD-GWF

**STIPULATION AND ORDER TO
EXTEND DISPOSITIVE MOTION
DEADLINE**

(FIRST REQUEST)

15
16 COMES NOW, Plaintiff, U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation
17 Trust (hereinafter "U.S. Bank"), by and through their attorney of record, Rock K. Jung, Esq. of
18 the law firm of WRIGHT, FINLAY & ZAK, LLP, and Defendant Ski Way Trust (hereinafter
19 "Defendant" or "Ski Way"), by and through their attorney of record, Kerry Faughnan, Esq., and
20 Defendant Mountain Shadows of Incline (hereinafter "Defendant" or "HOA"), by and through
21 their attorney of record, David Ochoa, Esq. of the law firm Lipson Neilson P.C., and hereby
stipulate and agree to extend the dispositive motion deadline.

22 ///

23 ///

24 ///

25 ///

26 ///

1 **A. DISCOVERY COMPLETED**

2 1. On May 24, 2016, U.S. Bank served its initial disclosures.

3 2. On May 31, 2016, U.S. Bank served its First Request for Admissions, First
4 Request for Production of Documents, and First Set of Interrogatories to Ski Way.

5 3. On June 1, 2016, U.S. Bank served its First Request for Admissions, First
6 Request for Production of Documents, and First Set of Interrogatories to HOA.

7 4. On June 3, 2016, HOA served their initial disclosures.

8 5. On July 18, 2016, HOA served their First Supplemental Disclosures.

9 6. On July 20, 2016, HOA served their responses to U.S. Bank's First Request for
Admissions, First Request for Production of Documents, and First Set of Interrogatories.

10 7. On August 4, 2016, Ski Way served their responses to U.S. Bank's First Request
11 for Admissions, First Request for Production of Documents, and First Set of Interrogatories.

12 8. On July 7, 2017, U.S. Bank served its Expert Witness Disclosure.

13 9. On September 6, 2017, the deposition of the HOA's 30(b)(6) was conducted.

14 10. On February 13, 2018, the deposition of Ski Way Trust's 30(b)(6) was
15 conducted.

16 11. On March 7, 2018, the deposition of Nevada Association Services, Inc.'s
30(b)(6) (the HOA Trustee) was conducted.

17 12. On April 6, 2018, U.S. Bank served its Second Request for Production of
18 Documents to Ski Way.

19 13. On April 6, 2018, U.S. Bank served its Second Request for Production of
20 Documents to HOA.

21 14. On May 8, 2018, HOA served their responses to U.S. Bank's Second Request for
22 Production of Documents.

23 15. On May 8, 2018, HOA served their Second Supplemental Disclosures.

24 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

25 1. SkiWay's responses to U.S. Bank's Second Request for Production of
26 Documents.

1 **C. REASON WHY DISCOVERY HAS NOT BEEN COMPLETED**

2 Discovery has been completed; however, the parties are currently in settlement
3 negotiations and very close to settlement. The parties may pursue mediation and/or a settlement
4 conference. Therefore, in the interest of judicial economy, the parties would like to extend the
5 Dispositive Motion Deadline to allow for an opportunity to finalize a settlement regarding this
6 matter.

7 **D. PROPOSED PRE-TRIAL DEADLINES AND DISCOVERY SCHEDULE**

8

EVENT	CURRENT DATE	PROPOSED DATE
Discovery Cut-Off	June 1, 2018	N/A
Motions to Amend Pleadings/Add Parties	March 2, 2018	N/A
Expert Disclosures	April 2, 2018	N/A
Rebuttal Expert Disclosures	May 2, 2018	N/A
Dispositive Motions	July 2, 2018	August 2, 2018
Joint Pre-Trial Memorandum	July 31, 2018	August 31, 2018

15

16 **E. CURRENT TRIAL DATE**

- 17 1. This Matter is not currently set for trial.

18 **F. U.S. BANK'S MOTION FOR SUMMARY JUDGMENT**

19 U.S. Bank filed their Motion for Summary Judgment on June 20, 2018. The deadline
20 to file Oppositions to the U.S. Bank's Motion for Summary Judgment is July 11, 2018. The
21 parties agree that this deadline should be extended to August 11, 2018.

22 **G. CONCLUSION**

23 Accordingly, for good cause shown and excusable neglect, the parties respectfully request
24 that the Court enter the accompanying order to extend the aforementioned dispositive motion
25 deadline, and opposition deadline in this matter. This is the parties' first request for an
26 extension of the dispositive motion deadline, and it is not intended to cause any delay or
prejudice to any party.

1 IT IS SO STIPULATED.

2 DATED this 29th day of June, 2018.

3 **WRIGHT, FINLAY & ZAK, LLP**

4 /s/ Rock K. Jung, Esq.
5 Rock K. Jung, Esq.
6 Nevada Bar No. 10906
7 7785 W. Sahara Ave., Suite 200
8 Las Vegas, NV 89117
9 *Attorneys for U.S. Bank Trust, N.A. as*
10 *Trustee for LSF9 Master Participation*
11 *Trust*

12 DATED this 29th day of June, 2018.

13 **LIPSON NEILSON P.C.**

14 /s/ David T. Ochoa, Esq.
15 David T. Ochoa, Esq.
16 Nevada Bar No. 10414
17 9900 Covington Cross Dr., Suite 120
18 Las Vegas, NV 89144
19 *Attorneys for Mountain Shadows of Incline*

DATED this 29th day of June, 2018.

KERRY P. FAUGHNAN, ESQ.

/s/ Kerry Faughnan, Esq.
Kerry P. Faughnan, Esq.
Nevada Bar No. 12204
P.O. Box 335361
North Las Vegas, NV 89033
Attorney for Ski Way Trust

14 **ORDER**

15 Good cause appearing therefore;

16 IT IS HEREBY ORDERED that the Stipulation to Extend the Dispositive Motion
17 Deadline, in the above-referenced matter, is approved and GRANTED. The new Dispositive
18 Motion Deadline shall be August 2, 2018.

19 IT IS FURTHER ORDERED that the deadline for filing an Opposition to U.S. Bank's
20 Motion for Summary Judgment shall be August 11, 2018.

21 DATED this 1st day of August, 2018.

22 

23 UNITED STATES DISTRICT JUDGE
24
25
26